

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Levester Lee**

**Docket No. 5:06-CR-51-1FL**

**Petition for Action on Supervised Release**

COMES NOW Jay Kellum, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Levester Lee, who, upon an earlier plea of guilty to Possession With the Intent to Distribute 50 or More Grams of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1) and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on October 25, 2006, to the custody of the Bureau of Prisons for a term of 248 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. On April 8, 2010, the defendant's motion for a sentence reduction was granted, and Lee's sentence was reduced to 211 months imprisonment. On November 18, 2013, the government filed a motion for downward departure and Lee's sentence was reduced to a 158-month term of imprisonment. On March 13, 2014, Lee's sentence was reduced to a 135-month total term of imprisonment. On November 6, 2014, Lee's sentence was reduced to a 128-month total term of imprisonment.

Levester Lee was released from custody on June 8, 2015, at which time the term of supervised release commenced.

On April 29, 2019, Lee filed a pro se motion for early termination of supervised release. On May, 1, 2019, the U.S. Probation Office filed a response regarding Lee's motion, and on June 21, 2019, the Court entered an order denying Lee's motion.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On January 16, 2020, Lee was charged with Resisting a Public Officer and Allowing an Unlicensed to Drive in Lenoir County, North Carolina. The matter is pending trial in Lenoir County District Court (20-CR-50134).

The undersigned probation officer contacted North Carolina State Highway Patrol and was advised that the defendant and Donald C. Sutton were the passengers in Lee's vehicle. The driver, Leon Dawson Jr, crashed the vehicle and bystanders reported the wreck. Before officers could arrive, Lee left the scene. Once officers arrived, Lee was contacted and told to return to the scene. Lee refused to do so and was subsequently charged with the aforementioned crimes. Additional investigation revealed that both Leon Dawson Jr. and Donald C. Sutton are convicted felons. Further, Leon Dawson Jr. was charged with felony Possession of a Schedule II Controlled Substance, Driving While Impaired, Having Unsealed Wine or Liquor in Passenger Area, Littering of Not More Than 15 Pounds, Failure to Maintain Lane Control, Open Container After Consuming Alcohol, and No Operator's License.

On February 5, 2020, the undersigned probation officer met with Lee and confronted him with his violation conduct, at which time, he admitted his wrongdoing. Lee was verbally reprimanded and expressed remorse for his actions.

As a sanction for Lee's conduct, it is respectfully recommended that Lee be placed on a curfew to be determined by the probation office, and to be monitored with location monitoring: Radio Frequency

equipment for a period not to exceed 30 days. Additionally, Lee is to have no direct or indirect contact with Leon Dawson Jr. and Donald C. Sutton for the remainder of his term of supervised release. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.
2. The defendant shall have no direct or indirect contact, at any time and for any reason, with Leon Dawson Jr. and Donald C. Sutton for the remainder of supervised release.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

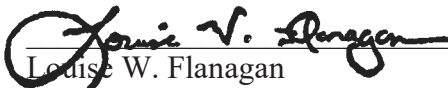
I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ David W. Leake  
David W. Leake  
Supervising U.S. Probation Officer

/s/ Jay Kellum  
Jay Kellum  
U.S. Probation Officer  
200 Williamsburg Pkwy, Unit 2  
Jacksonville, NC 28546-6762  
Phone: 910-346-5109  
Executed On: February 11, 2020

**ORDER OF THE COURT**

Considered and ordered this 18th day of February, 2020, and ordered filed and made a part of the records in the above case.

  
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Louise W. Flanagan  
U.S. District Judge